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April 12, 2012

VIA HAND DELIVERY

The Honorable Lorna G. Schofield
United States District Court
Southern District of New York
Thurgood Marshall-U.S. Courthouse
40 Foley Square
New York, New York 10007

Re: Jody Kriss and Michael Ejekam v. Bayrock Group LLC, *et al.*
(SDNY 2010 CV 3959)

Dear Hon. Schofield:

This office represents defendants Bayrock Group LLC, Bayrock Spring Street LLC, Bayrock Whitestone LLC, Bayrock Camelback LLC, Bayrock Merrimac LLC and Bayrock Group Inc. (collectively herein, "Bayrock"). We are in receipt of this Court's April 5, 2013 Order (the "Order"), which permits Defendant Felix Satter to object to service and the filing of plaintiffs' First Amended Complaint (the "Amended Complaint").

Bayrock requests similar leave to review and object to the Amended Complaint. In making this application, Bayrock waives none of its potential defenses to any purported claims made by plaintiffs.¹

Plaintiffs' initial Complaint contained not only confidential information about Felix Satter, but also a plethora of Bayrock confidential and proprietary information and attorney-client privileged communications misappropriated from Bayrock by its former employee, Joshua Bernstein. Mr. Bernstein admittedly provided the confidential and privileged information to plaintiffs' counsel in this action (and Mr. Bernstein's attorney in an unrelated action), Mr. Oberlander, and then the information was included in plaintiffs' Complaint.

As a result, Bayrock suspects that the Amended Complaint similarly contains purloined privileged and confidential Bayrock information and documents, or is derived from these stolen materials. Should the Amended Complaint contain or refer to this purloined

¹ By this application Bayrock does not offer a general notice of appearance.

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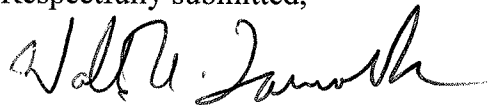
information and documents, Bayrock will object to its service and filing. See this Court's Court December 16, 2010, to plaintiff, which *inter alia* refers to an article titled "*Model Rule 1.14 The Elegant Solution to the Problem of Purloined Documents*," *U.S. Law Weekly* Vol. 79 No. 18 at 1618.

Without an opportunity review the Amended Complaint for similar privileged and confidential information, Bayrock will be unable to protect its confidences that were only revealed to plaintiffs through receipt of stolen documents and information.

Bayrock also asks for reconsideration of the Order to the extent that it permits Mr. Satter's counsel to review the entire Amended Complaint. Bayrock does not consent to Mr. Satter's reviewing portions of the Amended Complaint that contain Bayrock's privileged and confidential information. Conversely, Bayrock has no interest in reviewing portions of the Amended Complaint that contain Mr. Satter's confidential information. As a result, Bayrock requests that it and Mr. Satter only be permitted to review portions of the Amended Complaint applicable to them and proposes that a preliminary review of the Amended Complaint be undertaken *in camera*, so that applicable information may be segregated.

In sum, Bayrock requests (i) an opportunity to review those portions of the Amended Complaint that relate to Bayrock which -- based on the contents of the initial Complaint -- Bayrock has a reasonable concern might include its privileged and sensitive information, illicitly obtained by plaintiffs and (ii) to file appropriate objections, if any, within two weeks of obtaining the First Amended Complaint, or relevant portions thereof, as the Court may direct.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Walter A. Saurack", written in a cursive style.

Walter A. Saurack

cc: Michael P. Beys, Esq. (via fax)
Frederick M. Oberlander, Esq. (via fax)